

Appl. No. 10/034,042  
Amdt. dated June 18, 2004  
Reply to Office Action of Mar. 23, 2004

of the inner and outer layers (column 3, lines 38 – 41). The layers are made of different colors such that if a perforation, puncture or small rupture exists in the article, there will be change in perceived color at the site where ruptured (column 4, lines 23 – 30).

Another embodiment of Richardson '509 produces an article where a capillary layer is formed between two layers of elastomeric latex, where the two layers which have less adhesion to each other than they have cohesion (column 4, lines 38 – 56). The article has a space formed between the layers (column 5, lines 8 – 15). The layers are contrasting color such that if liquid breaches the outer layer, capillary action takes place between the two layers such that there is a perceived color change in the area spreading from the breach (column 5, lines 10 – 40).

In marked contrast, in the present invention the second coating is coated directly on top of the first coating of the former (page 10, lines 28 – 34 and claims 9 and 15). The second coating forms another coat on the elastomeric article rather than the distinct and separate layer of Richardson '509. The coats of the present invention are made to visually contrast so that the user can see that multiple coats are present (page 14, lines 1 – 9). Such a glove offers a user the reassurance that multiple layers of protection stand between the user and various hostile or sensitive environments. The visibly distinct coats indicate the increased level of barrier protection to the user (page 17, lines 20 – 21).

Richardson '509 does not teach the application of a second coat of elastomer directly on top of the first coat of the present invention. Instead, it teaches the formation of multiple layers that are separated by either another material or by a gap. Richardson '509 actually goes so far as to teach away from the present invention in stating that the adherence of individual layers to each other in a multi-layer laminate can be detrimental, making detection of breach during manufacture generally difficult (column 1, lines 5 – 9).

Therefore, Richardson et al. (EP 0672509 A2) fails to disclose each and every element of the Applicant's claims. Applicant respectfully submits that the rejection of claims 9, 15 and 18 under 35 U.S.C. § 102(b) in view of Richardson et al. (EP 0672509 A2) is improper and should be withdrawn.

## **2. Rejection for obviousness by Richardson et al. ('509) in view of Richardson et al. ('294) – Claim 12**

By way of the Office Action mailed March 23, 2004, claim 12 stands rejected under 35 U.S.C. §103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was

Appl. No. 10/034,042  
Amdt. dated June 18, 2004  
Reply to Office Action of Mar. 23, 2004

made and thus unpatentable over Richardson et al. (EP 0672509 A2) and further in view of Richardson et al. (U.S. Patent No. 5,524,294). This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

As discussed above in the rejection of claims 9, 15, and 18, Richardson '509 does not teach the application of a second coat of elastomer directly on top of the first coat of the present invention. Instead, it teaches the formation of multiple layers that are separated by either another material or by a gap. In addition, as stated in the Office Action mailed March 23, 2004, Richardson '509 does not teach a third coating.

Richardson '294 teaches the formation of two separate glove-shaped bodies on the same former such that adhesion of the two glove-shaped bodies is avoided; the two bodies separate when jointly removed from the former (column 4, lines 46 – 53). Richardson '294 does nothing to cure the defects of the Richardson '509 reference as it fails to teach the application of a second coat of elastomer directly on top of the first coat.

Therefore, while it might be possible to combine Richardson et al. (EP 0672509 A2) with Richardson et al. (U.S. Patent No. 5,524,294), they individually, and jointly, fail to disclose each and every element of the Applicant's claims. Applicant respectfully submits that a *prima facie* case of obviousness under 35 U.S.C. § 103(a) has not been established, and the rejection of claims 16, 17, 19 and 20 should be withdrawn.

### **3. Rejection for obviousness by Richardson et al. ('509) in view of Richardson et al. ('294)**

By way of the Office Action mailed March 23, 2004, claims 16, 17, 19, and 20 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Richardson et al. (EP 0672509 A2) and further in view of Richardson et al. (U.S. Patent No. 5,524,294). This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

As discussed above, neither Richardson '509 nor Richardson '294 teaches the application of a second coat of elastomer directly on top of the first coat of the present invention. In addition, as the stated in the Office Action mailed March 23, 2004, Richardson '509 does not teach a third coating.

Claims 16, 17, 19 and 20 are dependent claims and contain all the limitations of claim 15. For the reasons previously discussed, Richardson et al. (EP 0672509 A2) in view of Richardson et

Appl. No. 10/034,042  
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Reply to Office Action of Mar. 23, 2004

al. (U.S. Patent No. 5,524,294) does not disclose each and every element of the present invention. Applicant respectfully submits that a *prima facie* case of obviousness under 35 U.S.C. § 103(a) has not been established, and the rejection of claims 16, 17, 19 and 20 should be withdrawn.

#### **4. Rejection for obviousness by Richardson et al. ('509) in view of Horwege et al.**

By way of the Office Action mailed March 23, 2004, claims 21 – 24 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Richardson et al. (EP 0672509 A2) in view of Horwege et al. (U.S. Patent No. 5,881,386). This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

As discussed above, Richardson '509 does not teach the application of a second coat of elastomer directly on top of the first coat of the present invention. In addition, as the stated in the Office Action mailed March 23, 2004, Richardson '509 does not teach a third coating, using polyvinylchloride as a first layer, or using polyurethane as a second layer. Therefore, Richardson '509 is not a proper base reference for a rejection of obviousness.

Moreover, Applicant's representatives have reviewed Horwege et al. and have been unable to locate any teaching or suggestion of visually contrasting layers. Applicant contends there is much to dissuade one of ordinary skill in the art from combining the teaching of Richardson '509 as to two contrasting layers plus a separation layer with Horwege's teaching about adhering a slip agent and texturing agent to a glove as a single, user-contacting layer. Therefore, Applicant respectfully submits that a *prima facie* case of obviousness under 35 U.S.C. § 103(a) has not been established, and the rejection of claims 21 - 24 should be withdrawn.

Appl. No. 10/034,042  
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For the reasons stated above, it is respectfully submitted that all of the present claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

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Respectfully submitted,

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#### CERTIFICATE OF FACSIMILE TRANSMISSION

I, Nathan Hendon, hereby certify that on June 18, 2004, this document is being sent by facsimile to the United States Patent and Trademark Office, central facsimile number for all patent application related correspondence, at 703-872-9306.

By: 

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